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C O N F I D E N T I A L SECTION 01 OF 02 HO CHI MINH CITY 001246

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TAGS: [PHUM](#) [PINR](#) [SOCI](#) [PREL](#) [KIRF](#) [PGOV](#) [PREF](#) [VM](#)

SUBJECT: ADJUDICATING ETHNIC MINORITY PRIORITY-ONE REFUGEE CASES

Classified By: Consul General Seth Winnick for reasons 1.5 b/d.

11. (U) This is an action request. Please see paragraphs 11, 12 and 13.

12. (C) Over the past few months, the Mission P-1 Committee has been working to develop information on a potential political refugee (P-1 visa) case involving an ethnic minority individual from the Central Highlands province of Dak Nong. The individual in question, Y Than, in his early 20s, is the son of the Chief Pastor of the GVN-recognized Southern Evangelical Church of Vietnam (SECV) in the province. In mid-July, Y Than and his mother -- a deacon in the SECV -- contacted us to complain of a sharp increase in police harassment. Y Than, who headed the SECV youth wing in the province, was being summoned by police for multiple interrogation sessions, some lasting a few days. Three friends, also reportedly affiliated with the SECV were detained. The four men were being interrogated about suspected links to ethnic minority separatist groups. Police informed Y Than's parents that they believed he had violated Vietnamese law by communicating with ethnic minority activists living in the United States and by using money received via wire transfer from the U.S. to fund anti-government activities.

13. (C) Mother and son denied any involvement with separatist groups. They said that Y Than shuttled ethnic minority individuals from the Central Highlands to HCMC for medical treatment and helped ethnic minority families with relatives in the U.S. to collect remittances. These families were too uneducated or too scared to collect funds on their own, Y Than said. (Comment: We have interviewed dozens of other ethnic minority families with relatives in the United States in private in HCMC as they apply for family reunification under the VISAS-93 program. Many of these individuals are marginally educated at best, but very few have reported any problems in securing their remittances on their own. End Comment.)

14. (C) Y Than was remanded to his parents' custody, but is periodically called in for questioning. He noted that his father's prominent position in the church has kept him out of jail thus far. However, police scrutiny was so intense that, in effect, he was under house arrest and had to discontinue his church activities.

15. (C) Y Than explained that his troubles with the Vietnamese government began in June 2001 when he crossed into Cambodia to seek resettlement in the United States "at the behest of friends." An uncle separately also had crossed to Cambodia earlier in the year and was in a refugee camp. Y Than said he did not participate in anti-Government protests in February 2001 or in April 2004 organized by separatist organizations, maintaining that there were no such demonstrations in the area.

16. (C) Y Than said that his uncle was resettled in the United

States. However, Y Than decided to return in March 2002, after appears from the GVN and his family. He claimed that he feared that, if he did not return, the government would retaliate against his family. His family received assurances that he would not face police pressure after his return. After two months, police required him to submit detailed reports of his activities to the local government every three months and to the provincial government every year. However, until mid-2006, there was no additional police pressure and the family noted that conditions for the Protestant church in the province are gradually improving.

17. (C) Y Than noted that in mid-2006, he had spoken via cell phone with his uncle in Greensboro, North Carolina. He denied that his uncle was a member of any organization that supported ethnic minority separatism inside Vietnam. He said he briefed his uncle about religious freedom restrictions, disputes over land between ethnic minorities and ethnic Vietnamese migrants in the Central highlands and on whether the provincial government was providing land to ethnic minorities in accordance with GVN policy.

COMPLICATIONS AND HOLES IN THE STORY

18. (C) Based on Y Than's statement and our general knowledge of conditions in the Central highlands we filed a P-1 nomination on Y Than's behalf. However, as we pursued the case, inconsistencies and questions emerged. For example, Y Than's father and national representatives of the SECV balked at raising Y Than's problems with police with more senior GVN officials. (Comment: The refusal of the SECV national board to involve itself in the case is significant. In other cases, the national board has intervened with provincial and central government officials to resolve religious freedom incidents involving ethnic minorities elsewhere in southern Vietnam. SECV

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pastors have told us that some of their officials, especially in Dak Lak and Dak Nong provinces were involved the separatist movement in the past, complicating their ability to legalize the status of some congregations in the Central Highlands. End Comment.)

19. (C) Additionally, one of our most reliable contacts in the Central Highlands and a senior member of the SECV, told us that Y Than's family told him privately that their son was involved with a separatist cell in the province. His parents tried to discourage his participation, but to no avail. Our contact said that he did not know the specifics of the activities of the group with which Y Than was involved.

A Wide Range of Possible Activities

110. (SBU) Speaking to us in general about the activities of the separatist groups, Vietnamese government officials say that these groups have organized protests and sought to invite violence -- sometimes using knives, dynamite and homemade weapons -- to try and destabilize the Central Highlands and invite international intervention. Activists reportedly clandestinely distributed maps of the Central Highlands delineating the area of an ethnic minority state. According to the government, some activist organizations use symbols closely resembling the flag of "FULRO," which conducted an armed insurgency against the GVN in the Central Highlands until 1992. Government officials also allege that separatist operatives spread the word that "GVN collaborators" in the ethnic minority community will "lose their land and be kicked of the Central Highlands" along with the ethnic Vietnamese. Such operatives have threatened village elders and church leaders who did not support the separatist movement reportedly. The government also alleges that some ethnic minority advocacy groups in the U.S. divert donations for development to fund anti-GVN activities. The GVN has not shown us any physical evidence to support its claims, although it is clear that GVN intelligence and police

heavily target the separatist movement. (Note: The GVN does not differentiate between peaceful political activism -- organizing peaceful protests to demand ethnic minority rights -- and what we would view as proscribed activities, such as inviting violence. End Note.)

¶11. (C) Action Request: In other P-1 cases that the Mission P-1 Committee has adjudicated -- principally involving political and religious freedom activists -- we looked at two basic criteria:

-- Whether the individual has a well-founded fear of persecution in Vietnam, and,

-- Whether the activities of the individual were permissible in the United States, for example, engaging in activities that would be considered protected speech.

¶12. (C) Y Than undoubtedly has a well-founded fear of prosecution, if not persecution, should he remain in Vietnam. However, it is not clear to us whether Y Than's activities would be proscribed in the United States. Our sense is that Y Than likely was involved in political activities that sought to promote a sense of ethnic minority exclusivism and the creation of an independent ethnic minority state. Such activities could promote tension and violence inside Vietnam, and run contrary to USG policy upholding the territorial integrity of Vietnam. His activities may have gone further than that. However, it is unlikely that we will ever be able to document Y Than's precise actions.

¶13. (C) A further area of uncertainty is the applicability of the Lautenberg Amendment to this case and other possible cases involving the estimated 1.1 million ethnic minority individuals (sometimes referred to as "Montagnards") from the Central Highlands. Does Y Than fall under the scope of the Lautenberg Amendment -- although neither he, nor his family have any apparent Vietnam War-era association with U.S. force? If so, then what are the implications for P-1 Committee deliberations on the merits of his case? Mission P-1 Committee requests Department's legal and policy guidance on the case of Y Than, which would then serve as a guide for evaluating cases involving WINNICK